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August 20, 2022

Application granted. SO ORDERED.

Via ECF

The Honorable John G. Koeltl
United States District Judge
500 Pearl Street
United States Courthouse, Courtroom 14A
New York, NY 10007

August 22, 2022 /s/ John G. Koeltl
New York, NY John G. Koeltl, U.S.D.J.

Re: *Grant et al. v. Trump et al.*, Case No. 1:20-cv-07103-JGK

Dear Judge Koeltl:

This firm represents plaintiffs Edmond Grant p/k/a “Eddy Grant”, Greenheart Music Limited, a United Kingdom Limited Company, and Greenheart Music Limited, an Antigua and Barbuda Limited Company (“Plaintiffs”) in the above-referenced action against defendants Donald J. Trump (“Trump”) and Donald J. Trump For President, Inc. (the “Company,” and together with Trump, “Defendants”). We write pursuant to Your Honor’s Individual Practices Rule I.E. to request a 45 day extension of the fact discovery end date currently scheduled for August 22, 2022.

There have been two previous extensions for Defendants to locate and produce a corporate representative of Donald J. Trump For President, Inc., pursuant to Federal Rule of Civil Procedure 30(b)(6), which were so ordered by the Court on June 14 (ECF Doc. No. 67) and July 13, 2022 (ECF Doc. No. 69).¹ The extensions both followed President Trump’s deposition, which occurred on June 9, 2022.

On August 16, 2022, for the first time, Defendants represented that they would not be able to locate a corporate representative to testify on behalf of the Company and thus would not be producing a 30(b)(6) witness or witnesses to respond to Plaintiff’s deposition notice (a copy of which is attached hereto as Exhibit 1). Then, on August 18, 2022, Defendants disclosed that the Company dissolved in October of 2021.

¹ An initial extension of all discovery deadlines was also so ordered on March 31, 2022 (ECF Doc. No. 65).

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Given these recent developments, Plaintiffs seek a 45 day extension to serve a subpoena on Dan Scavino, the former deputy chief of staff under President Trump's administration and social media director for the Trump campaign.² Mr. Scavino is reported to have frequently authored and/or reviewed Mr. Trump's tweets and Defendants have represented that Mr. Scavino had a role in the alleged tweet containing the infringing video. Defendants have also represented that Mr. Scavino was not employed by the Company. Plaintiffs have requested Mr. Scavino's last known address from Defendants and Defendants have responded by providing Plaintiffs with Mr. Scavino's attorney's contact information.

Plaintiff respectfully requests that the Court so order the requested extension in this letter motion if it finds the same acceptable.

We thank the Court for its attention to this matter.

Respectfully submitted,

s/ Brett Van Benthysen
Brett Van Benthysen

Encl.
cc: Counsel of Record

² Plaintiff also reserves the right to seek a motion to preclude given Defendants representation that there are no witnesses available to testify about the topics identified in Plaintiff's notice. *Justin R. v. Bloise*, 2009 WL 1953422 (S.D.N.Y. July 2, 2009).

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDMOND GRANT P/K/A “EDDY GRANT”, GREENHEART MUSIC LIMITED, a United Kingdom Limited Company, and GREENHEART MUSIC LIMITED, an Antigua and Barbuda Limited Company,

Plaintiffs,

- against -

DONALD J. TRUMP and DONALD J. TRUMP FOR PRESIDENT, INC.,

Defendants.

Civil Action No. 1:20-cv-07103-JGK

NOTICE OF DEPOSITIONS

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, plaintiffs Edmond Grant p/k/a/ “Eddy Grant” (“Grant”), Greenheart Music Limited, a United Kingdom Limited Company (“Greenheart UK”), and Greenheart Music Limited, an Antigua and Barbuda Limited Company (“Greenheart AB,” and collectively, “Plaintiffs”), by and through their attorneys Reitler Kailas & Rosenblatt LLP, will take the deposition upon oral examination on April 4, 2022 at 9:30 a.m. of defendant Donald J. Trump.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs, by and through their attorneys Reitler Kailas & Rosenblatt LLP, will take the deposition upon oral examination on April 6, 2022 at 9:30 a.m., of defendant Donald J. Trump for President, Inc. (the “Company”), through one or more officers, directors, agents or other representatives who shall be designated to testify on Company’s behalf regarding all information known or reasonably available to the Company with respect to the topics and subject matters identified in the annexed Schedule A. Plaintiffs requests that the Company provide

written notice at least five (5) business days before the deposition of the name(s) and employment position(s) of the individual(s) designated to testify on the Company's behalf.

The depositions noticed above will take place at the offices of Reitler Kailas & Rosenblatt LLP, located at 885 Third Avenue, 20th Floor, New York NY 10022, or at another location mutually agreed upon between the parties, or remotely using videoconferencing technology. The depositions will be taken by stenographic means and/or videotaped before a notary public authorized under the laws of the State of New York to administer oaths. The depositions will continue from day to day thereafter until completed. You are invited to attend and cross-examine.

Dated: January 26, 2022

REITLER KAILAS & ROSENBLATT LLP



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*Attorneys for Plaintiffs Edmond Grant p/k/a
"Eddy Grant", Greenheart Music Limited, a
United Kingdom Limited Company, and
Greenheart Music Limited, an Antigua and
Barbuda Limited Company*

SCHEDULE “A”

In accordance with FRCP 30(b)(6), plaintiffs Edmond Grant p/k/a/ “Eddy Grant” (“Grant”), Greenheart Music Limited, a United Kingdom Limited Company (“Greenheart UK”), and Greenheart Music Limited, an Antigua and Barbuda Limited Company (“Greenheart AB,” and collectively, “Plaintiffs”), designate the topics identified below for the examination of Donald J. Trump for President, Inc. (the “Company”). In construing these topics, the following instructions and definitions shall apply:

DEFINITIONS

- A. “Action” means the civil action pending in the United States District Court, Southern District of New York, captioned *Grant, et al., v. Trump, et al.*, Case No. 1:20-cv-07103.
- B. “Company” means Donald J. Trump for President, Inc., and any of its present or former officers, directors, employees, attorneys, agents, representatives, corporate parents, subsidiaries, affiliates, or other persons acting or purporting to act on its behalf.
- C. “Composition” means the musical composition written by Grant entitled “Electric Avenue”.
- D. “Infringing Video” means the 55 second video contained in the Tweet from Mr. Trump’s Twitter account on August 12, 2020, at or about 9:35 p.m. EST, which contains a visual depiction of a red train bearing the words “Trump Pence KAG 2020” and a handcar bearing the words “Biden President: Your Hair Smells Terrific” being powered by an animated likeness of Former Vice President Biden.
- E. “Recording” means the sound recording recorded by Grant entitled “electric Avenue.”

F. "Tweet" means the tweet published on Mr. Trump's Twitter account on August 12, 2020 containing the Infringing Video.

DEPOSITION TOPICS

1. Information concerning the Company's involvement in Mr. Trump's campaign to be re-elected as President of the United States in 2020.
2. Information concerning the Company's access to Mr. Trump's social media accounts, including Mr. Trump's Twitter account.
3. Information concerning the Company's control over Mr. Trump's social media accounts, including Mr. Trump's Twitter account.
4. Information concerning the Company's contributions to the creation, production, and distribution of the Infringing Video.
5. Information concerning the Company's contributions to the creation, production, and distribution of the Tweet.
6. Information concerning the Company's decision to have Mr. Trump post the Tweet on his Twitter account.
7. Information concerning any due diligence performed by the Company concerning the copyright ownership of the Composition.
8. Information concerning any due diligence performed by the Company concerning the copyright ownership of the Recording.
9. Information concerning the Company's receipt of the cease and desist letter dated August 13, 2020.
10. Information concerning the Company's response to the cease and desist letter dated August 13, 2020.

11. Information concerning any financial or political benefit obtained by the Company from the creation, production, and/or distribution of the Tweet.
12. Information concerning any financial or political benefit obtained by the Company from the creation, production, and/or distribution of the Infringing Video.
13. Information concerning any communications between Company and any third party concerning the Tweet.
14. Information concerning any communications between Company and any third party concerning the Infringing Video.
15. Information concerning the identity of the custodians of documents produced by the Company in response to Plaintiff's First Request for the Production of Documents.
16. Information concerning the location of the original versions of the documents produced by the Company in response to Plaintiff's First Request for the Production of Documents.
17. Information concerning the organization structure of the Company from 2020 to the present.